REMARKS

In the last Office Action, the Examiner:

(1)   rejected claims 1-3, 12, 37-40, 43, 44, 53, 78-81, 86, and 92-95 under

35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,526,158 ("*Goldberg*");

(2)   rejected claims 5-7, 11, 13-18, 21-26, 28-31, 33-36, 41, 42, 46-48, 52, 54-

59, 62-67, 69-72, 74-77, 83-85, 87-91, 96, 97, 99, 100, 102-104, 107, and 109-111

under 35 U.S.C. § 103(a) as unpatentable over *Goldberg* in view of U.S. Patent No.

6,571,003 ("*Hillebrand*");

(3)   rejected claims 8 and 49 under 35 U.S.C. § 103(a) as unpatentable over

Goldberg in view of *Hillebrand* and U.S. Patent No. 6,377,745 ("*Akiba*");

(4)   rejected claims 9, 10, 27, 50, 51, and 68 under 35 U.S.C. § 103(a) as

unpatentable over *Goldberg* in view of *Hillebrand, Akiba*, and U.S. Patent Application

Publication No. 2003/0014324 A1 ("*Donovan*");

(5)   rejected claims 19 and 60 under 35 U.S.C. § 103(a) as unpatentable over

Goldberg in view of *Hillebrand, Akiba*, and U.S. Patent No. 6,215,498 ("*Filo*");

(6)   rejected claims 20 and 61 under 35 U.S.C. § 103(a) as unpatentable over

Goldberg in view of *Hillebrand* and "Skin Aging Estimation by Facial Simulation," IEEE

1999 ("*Wu*");

(7)   rejected claims 32 and 73 under 35 U.S.C. § 103(a) as unpatentable over

Goldberg in view of *Hillebrand* and U.S. Patent No. 6,516,245 ("*Dirksing*"); and

(8)   rejected claims 98, 101, 105, 106, 108, 112, and 113 under 35 U.S.C.

§ 103(a) as unpatentable over *Goldberg* in view of *Hillebrand* and European Patent No.

1134701 A2 ("*Hima*").

The Office Action contains numerous statements reflecting apparent assertions concerning the claims and/or the related art. Regardless of whether any such statement is addressed specifically here, Applicants decline to subscribe to any assertion and/or characterization set forth in the Office Action.

CLAIMS 4, 45, AND 82

Claims 4, 45, and 82 are not listed in any of the rejection statements, but they are mentioned in the Office Action at page 3. Applicants request clarification on the status of those claims.

PRIMARY REFERENCE

The Examiner appears to rely on *Goldberg* as the primary reference (either alone or in combination with other references) to reject pending claims 1-113.

CLAIMS 1-40, AND 96-99

Applicants respectfully traverse the rejection of claims 1-40 and 96-99 because neither *Goldberg, Hillebrand, Akiba, Donovan, Filo, Wu, Dirksing,* nor *Hima,* separately or in the Examiner's proffered combinations, teaches or suggests each and every element recited in the claims.

Particularly, *Goldberg* fails to expressly or inherently teach at least causing presentation of at least one prompt "prompting" a subject to "self-evaluate" an actual condition of the subject's body, as recited in independent claims 1 and 96. *Goldberg* also fails to expressly or inherently teach at least "enabling [an] initial body image to be altered based on the subject's response to the at least one prompt, to thereby reflect in the altered image the self-evaluation of the subject," as recited in independent claims 1

and 96. Further, *Hillebrand*, *Akiba*, *Donovan*, *Filo*, *Wu*, *Dirksing*, and *Hima*, separately or in the Examiner's proffered combinations, fail to overcome the deficiencies of *Goldberg*.

For example, *Goldberg* is directed to picture-taking systems for visitors at places such as Disneyland, to obtain pictures of themselves doing a number of different activities, such as standing next to a cartoon character or taking a roller coaster ride. *Goldberg* discloses attaching a remote identification tag 49 to the shirt of a patron at Disneyland, which can be used to identify the patron. A digital camera 63 can take pictures of the patron, which can be later picked up at a kiosk 75 using the identification tag 49. (Fig. 2; col. 6, ll. 26-65). Image modification programs may modify the pictures for the interest and entertainment of the patron. For example, the picture may be placed in a cartoon background, or the patron may be made to look like a pirate with a scar on the patron's cheek, earrings on his ears, a patch over his eyes, a bandanna on his head, and a torn shirt on his body. (Fig. 12; col. 23, l. 64 to col. 24, l. 16).

Hillebrand is directed to a skin imaging analysis system in which the need for a consumer or a beauty consultant to identify defects in the consumer's skin is eliminated by having a computer identify the skin defects. (col. 1, ll. 16-40 and 51-67). *Hillebrand* proposes a system in which a computer (controller 200, for example) analyzes skin defects without the subjective input of the consumer and the beauty counselor. (col. 4, ll. 38-54).

Akiba is directed to a system for reproducing video data from multiple channels and indexing the video data generated from the multiple channels. (Abstract).

Donovan is directed to synthesizing and distributing retail products to a customer based on the customer's product preferences. (Fig. 1; ¶ 0002-0008).

Filo is directed to a network computer-based system for creating a virtual work environment such that the participants at various levels of emersion within the virtual work environment are able to perform complimentary, independent, and cooperative tasks in parallel to create simultaneous sets of solutions to problems outside the virtual work environment. (col. 1, ll. 4-10).

Wu is directed to a layered facial simulation model for skin aging with wrinkles. The model includes muscle, connective tissue, and a skin layer. (Abstract).

Dirksing is directed to a method and an apparatus for providing a consumer with personalized beauty care cosmetic products. (col. 1, ll. 6-8). Cartridges 220 house fluids, which can be combined in consumer specified quantities to produce a customized cosmetic product. (Fig. 2A; col. 4, ll. 18-34).

Hima is directed to a three-dimensional beauty simulation client-server system to carry out beauty simulations based on a user's face model data. (¶ 0001).

Accordingly, neither *Goldberg, Hillebrand, Akiba, Donovan, Filo, Wu, Dirksing,* nor *Hima,* separately or in the Examiner's proffered combinations, teaches or suggests at least causing presentation of at least one prompt "prompting" a subject to "self-evaluate" an actual condition of the subject's body, as recited in independent claims 1 and 96. Neither do they, separately or in the Examiner's proffered combinations, teach or suggest at least "enabling [an] initial body image to be altered based on the subject's response to the at least one prompt, to thereby reflect in the altered image the self-evaluation of the subject," as recited in independent claims 1 and 96.

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Hence, the rejection of independent claims 1 and 96 should be withdrawn and claims 1 and 96 should be allowed. Further, claims 2-40 and 97-99 should also be allowed at least by virtue of their dependence upon allowable claims 1 and 96.

CLAIMS 42-84

Applicants respectfully traverse the rejection of claims 42-84 because neither *Goldberg, Hillebrand, Akiba, Donovan, Filo, Wu, Dirksing*, nor *Hima*, separately or in the Examiner's proffered combinations, teaches or suggests each and every element recited in the claims.

Particularly, *Goldberg* fails to expressly or inherently teach at least causing presentation of (or presenting) at least one prompt "prompting" a subject "to self-evaluate" an actual color and/or texture of an external body condition, as recited in independent claims 42, 83, and 84. *Goldberg* also fails to teach at least enabling generation (or generating), based on a representative image and at least one response, of an enhanced image intended to more accurately portray the subject's external body condition, as recited in independent claims 42 and 83. In addition, *Goldberg* does not disclose the "image generator, for generating from the actual image and the at least one response, an enhanced image intended to more accurately portray the subject's external body condition," as recited in claim 84. *Hillebrand, Akiba, Donovan, Filo, Wu, Dirksing*, and *Hima*, separately or in the Examiner's proffered combinations, fail to overcome the deficiencies of *Goldberg*. (The disclosures of *Goldberg, Hillebrand, Akiba, Donovan, Filo, Wu, Dirksing*, and *Hima* are described above.)

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Hence, the rejection of independent claims 42, 83, and 84 should be withdrawn and claims 42, 83, and 84 should be allowed. Further, claims 43-82 should also be allowed at least by virtue of their dependence upon allowable claim 42.

CLAIMS 85-95

Applicants respectfully traverse the rejection of claims 85-95 because neither *Goldberg* nor *Hillebrand*, separately or in combination, teaches or suggests each and every element recited in the claims.

Particularly, *Goldberg* fails to expressly or inherently teach at least "enabling" a subject to participate in selecting a "new visual element to replace" at least one identified bias element, as recited in independent claim 85. *Goldberg* also fails to expressly or inherently teach "enabling the construction of an altered image from the facial image by replacing the at least one identified bias element with the new visual element," as recited in independent claim 85. Further, *Hillebrand*, separately or in combination, fails to overcome the deficiencies of *Goldberg*. (The disclosures of *Goldberg* and *Hillebrand* are described above.)

Hence, the rejection of independent claim 85 should be withdrawn and claim 85 should be allowed. Further, claims 86-95 should also be allowed at least by virtue of their dependence upon allowable claim 85.

CLAIMS 100-113

Applicants respectfully traverse the rejection of claims 100-113 because neither *Goldberg*, *Hillebrand*, nor *Hima*, separately or in the Examiner's proffered combinations, teaches or suggests each and every element recited in the claims.

Particularly, *Goldberg* fails to expressly or inherently teach at least "prompting" a subject to "compare" color of a displayed image with an actual color of the subject, as recited in independent claims 100. In addition, *Goldberg* has no disclosure of "comparing" a color of a displayed image with an actual color of a body region, as recited in claim 107. *Goldberg* also fails to teach at least enabling calibration of (or calibrating) the color of the image when a difference is perceived between the displayed image and the actual color, as recited in independent claims 100 and 107. Further, *Hillebrand* and *Hima*, separately or in combination, fail to overcome the deficiencies of *Goldberg*. (The disclosures of *Goldberg*, *Hillebrand*, and *Hima* are described above.)

Hence, the rejection of independent claims 100 and 107 should be withdrawn and claims 100 and 107 should be allowed. Further, claims 101-106 and 108-113 should also be allowed at least by virtue of their dependence upon allowable claims 100 and 107.
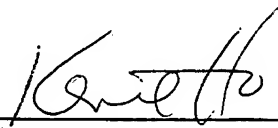
CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 25, 2005   By:_____

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